

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A. No. 3285 of 2006

Date of decision: 16.04.2007

Pepsu Road Transport Corporation, Patiala

.....Appellant.

Versus

Jagmail Singh

..... Respondent.

CORAM: HON'BLE MR. JUSTICE M.M. AGGARWAL

Present:- Mr. S.P. Garg, Advocate
for the appellant.

Mr. H.S. Saggu, Advocate
for the respondent.

M.M. AGGARWAL, J. (ORAL)

This is Regular Second Appeal against the judgment dated 24.04.2006 of District Judge, Mansa whereby appeal filed by the plaintiff now respondent had been accepted and suit of the plaintiff was decreed.

Plaintiff now respondent had filed a suit for declaration challenging order dated 29.08.2000 of G.M., PRTC, Budhlada whereby his pay was reduced from 01.05.1990 onwards. Challenge was also to the recovery of Rs.22635/- sought to be made.

As per judgment and decree of District Judge, Mansa, order dated 29.08.2000 was set aside and it had been held that plaintiff now respondent will be entitled to release the amount which the present appellant had not paid to him from the retiral benefits because of the order dated 29.08.2000. It had also been directed that defendants-now appellants shall make the remaining outstanding payment within a period of two

months, failing which they shall be liable to pay interest to the plaintiff on delayed payment @ 10% per annum from the date of filing the suit till the amount is paid.

On behalf of PRTC, it is stated that PRTC is not going to make any recovery of the excess amount paid and shall also make payment of the amount of Rs.22,635/- deducted from Gratuity. But it was entitled to rectify its mistake and refix the pension

Counsel for the appellant has no objection to refix the pension.

Under these circumstances, this appeal is disposed of with an observation that appellant shall be liable to re-pay the amount of Rs.22635/- stated to have been recovered from the gratuity of plaintiff/respondent, but shall be entitled to refix the pension.

April 16, 2007
Dinesh

(M.M. AGGARWAL)
JUDGE